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ALLEDGER

Vol. VII, No. 2

BOSTON COLLEGE LAW SCHOOL

October 10, 1986

Smeal Speaks Against Abortion Amendment

By Kathleen McGrath

NOW President Eleanor Smeal made an emotional, strident plea to B.C.L.S. students last week, urging them to get out and vote down a proposed amendment to the Massachusetts Constitution that would make it unconstitutional for the state legislature to require public or private funding of abortion. The amendment also says that the abortion policy of the Mass. Constitution should be no broader than that of the U.S. Constitution. And as everyone who's had Constitu-

tional Law knows, the theoretical basis for abortion—a right to privacy inferred by the Court from the "penumbras" of other rights—is not on solid ground. It would only take one more Supreme Court vote to reverse the *Roe v. Wade* interpretation of abortion rights.

Smeal's visit, sponsored by the Women's Law Center at the law school, was part of a speaking tour to nine college campuses in Massachusetts. She is also planning to address groups in Rhode Island, Arkansas and Oregon where simi-

some circumstances.

Asked to respond to the criticism that NOW focuses too much of its energy on abortion and not enough on "bread-and-butter" issues like child care and equal pay, Smeal said, "We used to be criticized for focusing too much on those issues and not enough on abortion. But abortion has become too precarious. We can't ignore it any longer."

Smeal dismissed such criticisms of NOW as being planted by "Phyllis Schlafly-types" who are trying to undermine support for NOW.

"We're not just fighting for abortion. We're fighting for child care and pay equity. It's that same crowd. They're against everything that advances women," Smeal said.

The intense polarization between NOW and supporters of the right-to-life movement was demonstrated by an unpleasant confrontation during the question-and-answer period following her speech. A young man who described himself as a medical student talked about the unborn child's ability to feel pain and asked Smeal how she could condone "killing babies."

Smeal dismissed his medical arguments and focused on women's right to choice. Their colloquy continued until the young man said he felt women who had abortions were failing to take responsibility for their actions. The mostly female audience hissed and booed, and broke into vigorous applause when Smeal retorted, "More than half of all men after divorce never support their children. Who isn't being responsible?"

During her speech, Smeal talked about the frustration NOW felt because Rehnquist was appointed Chief Justice despite the evidence brought out against his character. She praised the courage of the law professors who signed the letter asking the Senate to oppose the appointment. She didn't realize then that the author of the letter was B.C. law professor Arthur Berney. After the speech she was introduced to him.

"You're the one who wrote that? Let me shake your hand," Smeal said.

As Smeal and Berney chatted, members of the Boston NOW Chapter and of the Campaign for Choice passed out pamphlets and buttons that said, "Vote No on Question 1." Gretchen Van Ness, president of the B.C. Women's Law Center, urges those who would like to volunteer in the voter registration and education drive to call NOW at 782-1056 or stop in to the office at 971 Commonwealth Avenue.



Making her point — Eleanor Smeal emphasizes an issue during her speech.

(photo by Marc Jefferson)

lar or stronger abortion limits are on the ballot.

The increased number of these local attempts to limit abortions, combined with the appointments of Rehnquist and Scalia, has made Smeal very worried that abortion could become illegal except where the life of the mother was threatened. Smeal believes that limiting abortions is only the first step in a conservative agenda to take back the rights and protections women have achieved in the last 20 years.

"This referendum is a Trojan Horse," Smeal said. "The right-to-life people not only want to stop the public funding of abortion but to stop birth control, too."

She blamed the right-to-life movement with contributing to starvation in Third World countries because it succeeded in cutting U.S. financial support for population control efforts abroad. In an interview following her speech, Smeal said she believes supporters of supply-side economics want to take away women's access to birth control and abortion because then poor families will produce more "cheap labor and cannon fodder."

She contended the Massachusetts amendment was confusingly worded on purpose so people would have trouble understanding what it would mean.

"These people want to return women to playing Russian roulette with their lives, but they won't come out and say that's what they're after. If people understood what was happening, they wouldn't go along," Smeal said, referring to polls which show the overwhelming majority of Massachusetts residents believe abortion should be permitted at least in

Bar Review

Future in Question

By Marc T. Jefferson

Bar Review, Boston College Law School's Friday social mixer, is in the midst of a turbulent metamorphosis.

This year, for the first time, Bar Review has become an official L.S.A. function, instead of being run privately by law students. In September of this year, the LSA agreed to have Alumni Bar, B.C.'s official bartending agency, supply beverages for Bar Review.

However, this plan has been sidetracked, at least temporarily, since Alumni Bar is trying to renew its liquor license in Newton. According to Dean Ernstoff, Alumni Bar does not want anything to prevent them from getting their license renewed, so they are not running Bar Review—at least until the license is renewed. So there was no cash bar last week at Bar Review, and there probably won't be one for a while.

The reason the LSA was forced to take over Bar Review was a question of liability. Under the old system, two students would buy the liquor and food and would supply the music, and would get the profits from running the bar. These students would then pay the LSA \$25 per week to use the law student lounge.

Recently, though, Boston College got a new comptroller, part of whose job it was to reduce insurance costs to the university by investigating potential risks. According to LSA president Rich Stacey, if Bar Review was to survive, it had to become an official event before the comptroller found out about it and tried to get rid of it as an unacceptable risk.

The "social host liability" issue was a problem as well. According to Stacey, he and the other LSA officers could be held personally liable, perhaps along with some mem-

bers of the Law School administration and the university as well, since Bar Review was being run "illegally."

This isn't the first time that Bar Review has been under fire. According to 1986 BCLS graduate Daniel Beck, two years ago there was a controversy over how the franchise passed down from year to year.

The two who ran Bar Review essentially got to pick their successors, something which Beck felt was "sleazy." There was a forum in which some alternatives were discussed, but they were all summarily dismissed, according to Beck, who admits to being one of those who wanted to change the established order.

The choice that came out of the forum was either to keep the system the same, or to get rid of Bar Review altogether. Stacey said that "a lot of the 'special interests' say Bar Review as a money maker," but it would have been impractical to try to satisfy all of them.

Now, however, since times have changed, one of Beck's suggestions, that LSA take over, has been implemented. And also, according to Stacey, Bar Review is no longer a money-making proposition. Making Bar Review "legal" has the LSA buying food and paying Alumni Bar, and looking at an expense somewhere around \$2000 for the year.

Right now, the LSA is looking for alternate funding—either from the Alumni Council (which would be good public relations for them, according to Stacey), or the Dean's office, since Bar Review helps promote the social atmosphere the Law School sells to potential students. And if no one else can pay, the LSA might charge a nominal cover at the door to help defray expenses.

A Few Minutes with R.T.

'Yeah, your firm's, ah, the greatest. Yeah, that's it.'

By R.T.

Law school and autumn usually mean a few key things to law students—they're back in the classroom, they're back in the library or they're back in the Placement Office dropping off their weekly supply of three, ah, three, ah, three thousand resumes. Yeah—3000. That's it. For firms like Work, Like, Dog and Cat or Bill, Moore, Ours and Hours.

Why do any of us want to be hired by Work, Like Dog? Well, some people want to get to the top and *quick*. Others will do it as long as they're paid well—*very well*. The rest of us see the candy and can't say no.

Do we know what we're getting

into? Bill, Moore, Ours has grown from 20 lawyers to eight, ah, eight hundred lawyers in three years. Yeah, that's right—three years. And they want to hire 250 more this year. Yeah. Yeah, they want people who are interested in "opportunities for rapid growth" or "a challenging practice." Yeah, like don't make any plans to be home for dinner for the next ten, ah, ten, ah, ten years. Yeah, cancel those dinner plans for the next ten years and keep a few extra suits at the office (and that's not because the airconditioning might break). Yeah, socks too. That's the ticket.

Of course, some of us will be lucky and not get an interview with Work, Like, Dog and Cat. But then

others of us know we're the world. Yeah, like Jenny. Her G.P.A. is about three, ah, three ah, 8.309. Yeah, 8.309 out of 4. Yeah. That's right. Kind of hard, but she did it. Jenny's a sure thing—she goes right to the top of the firm's pile. She'll fit right in with Work, Like, Dog.

But then there's Ralph—three, ah, three, ah, 0.03. Yeah, Ralph 0.03. Now Ralph might think he'll fit in with Work, Like, Dog, but let's be honest. Unless his resume sticks to Jenny's (a good trick to know for those not in the top of the class), Ralph's resume will be heating the recruiting partner's ski lodge this winter. At least it won't be Ralph himself.

Well, somehow there's a mistake and you/I get an interview. You don't ask, but you know the firm can't quite figure out what you're doing there. So you get all excited (\$\$\$) and your interviewer is Mr. "Monosyllable" Marvin or Miss "I got these questions out of a handbook" Jane.

Now, you try to accustom your speech to Marvin—"I went (slow) to school in New York (pause for two minutes) and then I came here." That about wraps up your conversation with Marvin. Still, you can't help wondering who Marvin is going to pick for a callback. You doubt you're the type he's looking for—but then again, you're

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Dicta

It's Time for a True Town Meeting

By Stephen Kelly

I'd never heard of a law school holding a "town meeting," but the idea was intriguing.

I have fond memories of town meetings at home. Just after breakfast, you walk to the town hall and begin the day by pledging allegiance to the flag. Then you talk about teachers' salaries, elect a road commissioner, vote for a new fire truck, and break for lunch outside on the steps. All the townspeople come together for one day.

But I found out last week that town meetings are different at law school. I saw some posters and notices around campus announcing a "town meeting" would be held on Sept. 22 to discuss student problems with financial aid. After talking with a few friends who also had troubles with their loans, I decided to go.

Now, it's true that about 120 students talked for an afternoon with

Paul Combe, the director of financial aid at Boston College. And, yes, we all fit in one room together. But beyond that meeting, nothing that afternoon reminded me of any town meeting I'd ever been to.

First, nobody knew this Mr. Combe, and he certainly didn't know many of us. That's not surprising, given the administrative complexity of Boston College, but still I found it frustrating listening to a stranger. Why tell this man my problems if I'll never see him again? How do I find him if my problems continue? Why not have someone I see in the halls everyday tell me the story? Or even better, let the person who's handling my file explain the situation? At a town meeting, it helps to know who you're talking to.

Second, Mr. Combe talked about us as numbers, and he didn't seem to care that we had names. That would never happen at a real town meeting. He told us there were 607 awards to law students this year compared to 518 last year. The number of GSL loans was off 18 percent this year and PLUS loans fell 30 percent. But the big picture showed that "as of this date last year," 1,372 students at Boston College got financial aid. This year the total is 1,355. "That's less than one percent behind," he said. I wonder if he bothered to count the

120 people sitting in front of him.

And third, Mr. Combe felt no responsibility to his audience. He admitted that his office has staffing problems. "There have been days when the [telephone] calls keep Lindsay [the graduate financial aid officer] from processing any loans," he said. And he said he believed one complaint where a secretary told a student his loans weren't processed because "I hate you personally." But wasn't too disturbed by this. "It's out of my hands," he said, "I don't have the resources." It didn't seem to matter that we pay \$9,000 a year to the people who sign his paycheck each week. If it had been a true town meeting, he would be looking for a job today.

Finally, when the audience spoke up, we were powerless. Some vented their anger, some searched for a scapegoat, others threatened to leave school and never give any money back to the law school endowment. Such strident speeches are common at town meetings, and normally they spell the beginning of the end for some town official. But remember, Mr. Combe doesn't answer to us. He works for The Institution.

Looking back, the meeting was surely worth something. Desperate students learned where and how they could pick up emergency cash

while waiting for delayed financial aid money. Administrators explained to students why the help hadn't arrived. And along the way, everyone spoke their mind.

But that's not all a town meeting is about. If I want to make my point in public, I'll go to a rally. If I want information, I'll go to a lecture. A town meeting exists to bring people together who depend on each other.

Now that sounds sentimental and naive, but it's not. In our managerial world, much of what we do separates us from each other—especially in the financial aid world. We fill out forms for Mr. Combe that reduce our names to numbers. And he works in an office where our faces are just files. That's the sacrifice we make for efficiency and fairness.

I, for one, am willing to make that tradeoff, but it has consequences. Take my example. I met a man responsible for lending me \$13,000 this year—in large part my livelihood. Yet he doesn't know me, doesn't want to know me, and doesn't feel responsible to me. For my part, I get angry and bitter after meeting him. Now picture me 120 times over.

That's what came of our "town meeting" this year, and that's why we need a true town meeting next year.

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Elgin's Igloo

Secession? Valet Parking? Seriously...

Hey kids, it's Elgin time again. This week I'm coming at you live from the most remote outpost on Antarctica. Why, you ask? Why not? I'm going totally nutty, just like my buddy Zippy in the *Glove* funny pages. What's that, you say? You don't read Zippy? Shame on you. It's the most politically aware, neo-extentialist commentary available in the Athens of America.

Speaking of Athens and other community names, here's a little jolt for your undoubtedly frazzled legal minds. Put down your casebooks for a minute and listen to this bit of long-forgotten minutiae: the name of the town where "Green Acres" took place was "Hooterville." Talk about blasts from the past. Do you think maybe that's Busty Hart's hometown? Think about it, Athens-of-America Red Sox fans. Hooterville, what a concept.

Before I launch into my serious topic of discussion this week, I'd like to point out one more television-related fact. My roommate told me the other day that he was watching "the Stones" when

I called. Of course, I assumed he was referring to Mick and the boys. This wasn't the case, however. He was actually watching the "Flintstones." You know, Fred and the boys. It struck me as funny. Aren't you glad I shared this with you? I thought you'd be.

If you noticed (probably not), in the last issue Elgin was advertised on the top of the *Alledger's* front page—sort of telling loyal readers where to turn to read their not-so-favorite scribe. You might not be aware of this but in the newspaper game that's a position of honor that bestows upon the recipient a duty of civic responsibility (no, it's not on the bar exam), and service to the community. I'm deeply honored and I hope I can live up to this great expectation. I'll really try to be more serious from now on. I thank you all for recognizing me in this way (I know it was readers' mail that instigated it), and I'd especially like to thank the 'Stones and all the people back in Hooterville.

Seriously.

Well, here comes the serious

topic you've all been awaiting. As the self-appointed ombudsman of this newspaper I am advancing the following proposal for B.C. Law: secession from the University. That's right, I think it's time we broke free from all our ties to Boston College and with them will go all our parking problems, financial aid screw-ups, registration hassles, bronchitis, influenza and even the common cold. All these ills are caused by one source and we can rid ourselves of them forever with one quick stroke of the pen.

Of course, my plan sounds so simple, and in essence it is, but there is one major obstacle: selecting a name for our new law school. How about the New Law School? Nah, sounds too granola bar/environmentalist-oriented. How about the Coquillet School of Law and English Legal History? Nah, too egocentric. We don't want to create any cults of personality unless they center on Elgin. I'd bet there would be a lot of popular support for this one—the Hooterville Law School. If we used this,

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When a Name is Called and it's Mine

By T.L.

[The basic theme of the following narrative is based loosely on fact. However, many of the words, persons, and events described below are fictitious.]

I am not one of those people who enjoys listening to myself talk. I almost never raise my hand to volunteer my verbal services. I even avoid sitting next to people who are notorious for their active oral participation. And this above all: I don't look forward to getting called on in class.

But these are just first-year apprehensions, aren't they? I'm a 2L now. I have a year under my belt. I'm familiar with the language. I'm comfortable with my classmates. I've gotten into a routine, a groove. Then why was I so terrified about getting called on last month??

It was definitely the most memorable event in my BC career. It happened in one of those courses where the professor goes by alphabetical order, so I can't say he caught me off guard. My number was up. The prof asked if Mr. so-and-so was there, and I answered in the affirmative. But as I quickly found out, that was the easiest question I got all morning. And it wasn't like last year when the professor would ask a few questions and then move on to somebody else. No sir, this is the upperclass curriculum. We're playing hardball now. Not only do they stay with you for a while, but the questions are tough.

(For those of you who were there and are still wondering: Yes, I did read the assignment before the class started.)

I'll spare the reading audience of the blow-by-blow description of the exchange between the professor and me. Instead, I'll try to give the general feel of what happened. From the very first substantive question, I was in a no-win situation. He asked specific questions on subjects where I had only general knowledge, and general questions where I had more specific knowledge. He stayed with me a bit too long on an area I wasn't too confident about, and he left me too quickly on another area where I felt I could have shown my true abilities had I not misinterpreted his opening question. As it turned out, he left me for dead with about five minutes remaining in the hour.

It was a thoroughly humbling experience. My mind was never before in such a state of confusion, desperation, and frustration. *What is he getting at? What does he mean by that? Didn't I already answer that question? Why does my last name sound so awful when he says it? And why does he have to say it over and over again?*

As I was walking out of the classroom, I convinced myself that the professor was not going to chase me down the hallway to beat me over the head with another

question. I then realized it: It was over! What a relief! I wouldn't have to go through that wringer again. I had paid my dues and then some. (Actually, I had exceeded the allowable limit of deposit.)

I guess it was human to be curious about what other people thought about my performance. My curiosity was satisfied that same day, as several people gave me their reviews. While I was in the snack bar, one young lady came over to me, and grinningly said: "You did very well." I'm sure she wasn't implying that I was the second coming of John Kenneth Galbraith, Laurence Tribe, and Oliver Wendell Holmes rolled into one. More likely, my colleague assured me that I did well *under the circumstances*. She is the kind of person who understands the importance of an encouraging word in an otherwise depressing day. Either that or she is someone who appreciates the value of an innocent white lie, properly told. In any case, I appreciated her smile, her encouragement, and her ability to share in my joy of having survived the great ordeal.

But the day was still young, and there were more classmates I

would bump into. And not all of them had congenial comments. There was one person who said to me: "Oh... I want to help you so bad." She meant to say "so badly," of course, but she made her point. And I guess I can't fault her. My performance did not leave anyone clamoring for an encore. Many were as relieved as I that the class was over.

Still that day (yes, it was a long day), I caught up with another classmate who chose an entirely different method of critiquing my performance: He first recited a few comments I made in class, and then proceeded to laugh. The former had very little probative value, since I myself was at the scene of the crime, and the latter was altogether unnecessary.

But I shouldn't be so hard on this person, since his comment was not completely without merit. I have to admit, someone else told me earlier that morning: "People were beginning to laugh [at what you said]."

I did not realize I had the capacity to incite such varying emotions with a single performance: compassion, empathy, laughter, guilt, pity. I don't think this is the

type of "diversity" the people in the Admissions Office had in mind when they decided to accept me.

The way I see it, I gave the professor every opportunity to avoid the kind of scenario that resulted. Initially, I gave him the "I-don't-know-what-you-are-talking-about" look. But he didn't bite. So with each question, I lengthened the time of silence between the last word in his question and the first word in my answer. All to no avail.

The more I think about, the more I realize how brilliant Calvin Coolidge was. This former president activated his vocal cords just long enough to say, "If you don't say anything, you won't be called on to repeat it." Well, I didn't say anything, but I was called on anyway. I just hope I won't have to repeat it.

So what's the bottom line? I suppose I can try to look at the situation as an optimist: I got my tuition's worth from the professor who arguably is the noted expert in his field. And it could have been a hell of a lot worse.

But I found it a taxing experience just the same.

And this too shall pass.

People Who Talk In Class

By Bonnie C. Rowe

Every graduating class at BCLS has probably had them; perhaps every section has had two. You know who I mean—those people who talk in class.

"Those people" come in many shapes and sizes. I'm not referring to students who occasionally ask the professor some question or point out some relevant consideration. I refer to those front-and-center students who talk *all* the time. Some are clowns who never think before speaking, but who can be very entertaining to others. Some students say brilliant things. Some specialize in certain subjects, and others will raise their hand in *any* class. The silent majority soon learns to glance about meaningfully or titter as soon as the hand goes up.

However, it is amazing that professors never seem to pick up on student reactions to their fellow orators. When professors hear snickers, they gaze at the class in puzzlement. Worse yet, they ask what's so funny. Professors are obviously too far removed to understand the criticizing nature of student social interactions.

Often the silent majoritarians hate these do-gooders. "Those people" appear to love hearing themselves talk. Often they ignore the rest of the class and speak from the front row, softly, for the profes-

sor's ears only. The majority's ridicule of these people probably comes from insecurity, jealousy, or boredom in class. But sometimes the annoyance is justified—the captive audience is occasionally forced to waste a lot of expensive class time listening to these people drive home an irrelevant point.

But "hang on a minute" (as one of my professors is prone to exclaim). These future litigators do offer something to their classmates. Because of them, other students need not speak in class. The professor need not resort to the dreaded class list to promote discussion. In addition, if others listen to "those people's" reasoning, they can learn to rebut such unlikely and roundabout arguments. (A tribute is in order here to those students who speak well and often. They are truly worthwhile to listen to.) In any case the captive student audience can marvel at the unbelievable variety of human psyches existing at the law school.

Some professors themselves promote this behavior. By smiling, nodding, and leaning forward, professors proclaim that they are on the same wavelength as the speaking student. By standing still, unsmiling, professors can discourage rambling. By encouraging the chronic speakers, one gets the feeling that a professor is not in-

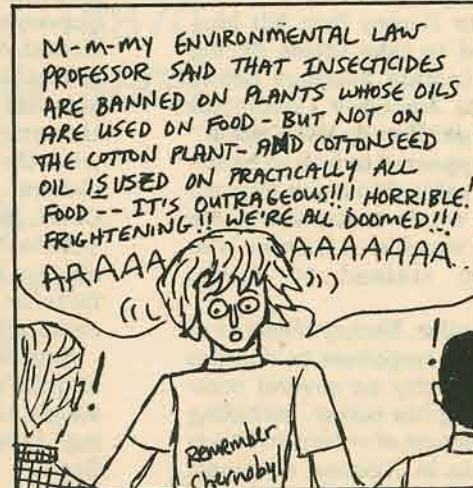
terested in teaching the entire class. I commend professors who call on raised hands other than the ones in the front row every time. Professors who use surprising comebacks and other distinctive teaching styles can enthrall students in the professor's field, encouraging good preparation and class participation by all. Otherwise, when the same few people get the speaker's platform every time, other students might as well daydream.

Class discussion is certainly desirable. But in support of the non-speaking tradition, I want to dispel the widely-held misconception that the brightest students are the most vocal in class. The truth is that most are not. Sometimes it becomes apparent that a student who speaks didn't do the reading—or misunderstood it!

I met a BCLS alumni from the class of 1980 who said he never talked in class. Indeed, he is a very quiet and modest individual. But he is a very successful corporate lawyer who is hailed as a brilliant litigator. The large law firm that he joined has recently made him one of the few partners in its history to have attained that status in only six years. Nearly every day, when I don't talk in class, I remember that many successful attorneys preferred to remain silent. Maybe I'll be successful too.

Future J.D.'s

by B.C. Rowe



Viewpoint: What do you think of the appointment of William Rehnquist as Chief Justice?



Pam Drugge, 3L

I think he's a very bright man, but a little too political for my tastes. Then again, O'Connor turned out to be better than I expected. I'm afraid I don't trust his integrity, but I won't pass judgment yet.



Rich Gallogly, 3L

Who's Rehnquist? Well, I suppose every Supreme Court should have one fascist. And now they have two with Scalia.



Larry Goanos, 3L

In my humble opinion, although his case is somewhat sui generis, I would say that looking at the facts of his past, *res ipsa loquitur* would indicate that the *sine qua non* of his appointment to the court would make his whole tenure void ab initio.



Mary McCaffery, 3L

I pray to God that no one else resigns until the Democrats win back the Presidency.



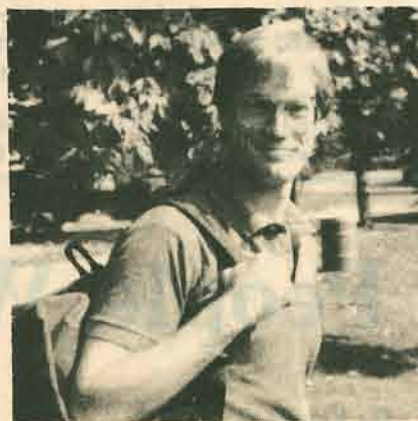
Mark Corner, 3L

I don't see any big difference. They're just substituting one conservative for another. Of course, there will probably be more concurring in part and dissenting in part opinions which means more reading.



Nino Rosado, 3L

He is obviously an intellectual, but I worry that he may use his position to further his personal views. I think he should use some of his views like all judges do, but he should think about the society as a whole—after all, we are supposed to have some input in the law.



Ray Hiley, 3L

The only comment I would make is that in a way his actual views are irrelevant and what is really important is the Court's appearance of propriety. Unfortunately, he is lacking in that area. To me, his opinions are intellectually dissatisfying because he bends principles for his own uses.

R.T.

(continued from page 2)

lucky.

Jane's turn. She comes out of the shoot raring to go and asks, "Where do you see yourself in five to ten years? The tougher question is, where do I see myself this weekend?" "Whoa, Jane," I say. "Is this a Museum of Science 'Predict the Future' contest?"

Let's see. In five to ten years, I'll be cruising in my Porsche, yeah, my Porsche 959 spaceship to the spaceport at my office. Yeah. Yeah, my office on Pluto where I will be conducting a corporate conflicts case. Yeah, conflicts. A corporate conflicts of galaxies case. Yeah, that's the ticket. Yeah, I'll be the top dog in corporate law for Work, Like, Dog on Pluto. Yeah. Jane. Yeah.

Of course, Jane will know that this is not the answer listed next to the question in the "Guide to Interviewing." Oh well, I wonder what I'll have for dinner. Maybe a couple of lobsters... at the Ritz... Yeah.

Prof. Berney Led Fight Against Nomination

By LRM

The Senate confirmed President Reagan's appointment of William Rehnquist as Chief Justice of the United States Supreme Court on September 17, but not with any help from Boston College Law School Professor Arthur L. Berney. In the weeks prior to the vote, Berney launched a remarkable nationwide campaign to prevent the confirmation. The campaign involved an attempt to get law professors throughout the country to give their approval to an open letter to the Senate written by Berney concerning his misgivings about Rehnquist's qualifications to be Chief Justice. [The following is taken from an interview with Professor Berney and from that open letter.]

Professor Berney first felt himself moved to take action during the confirmation hearings before the Senate Judiciary Committee last summer. Berney was "upset" by what appeared to him to be Rehnquist's refusal to come forward with the whole truth about his past; "he was like a witness who had been trained to reveal nothing."

In particular, Berney objected to Rehnquist's responses to charges of ethical laxity on several occasions during his career, including the harassment of voters on literary grounds in Arizona elections; refusal to acknowledge awareness

of, and then to take action on, racial restrictions in the deeds to certain personal real estate holdings; attempting to attribute the views expressed in a memorandum in support of the separate but equal doctrine to Justice Robert Jackson, for whom he was clerking during the *Brown v. Board of Education of Topeka* case, and the total lack of response to a charge by a brother-in-law of an ethical breach concerning a trust fund.

The single most questionable behavior in Berney's eyes, however, was Rehnquist's conduct during the *Laird v. Tatum* proceedings in the early 1970's, challenging the surveillance of U.S. anti-war activists by the U.S. Army. During the confirmation hearings on his original appointment to the Supreme Court, Rehnquist as Assistant Attorney General declined to testify whether or not the Army was still engaged in such activity, claiming attorney-client privilege with the President and Attorney General. Yet, once on the Supreme Court, Rehnquist cast the deciding vote to declare the case not justifiable for lack of finding of the very facts to which he had previously claimed privilege.

Spurred by doubts as to Rehnquist's ethical integrity, Berney sought to have the committee hearings extended through a request to Senator Kennedy in late August. However, upon a reply from

Kennedy's office stating that this would be impossible, Berney realized that he would have to try to make contact with each individual senator in an extremely short period of time in order for his doubts to have an impact on the confirmation.

Obviously, there were logistical problems with the plan. The confirmation vote would take place in a matter of weeks and senators from states other than Massachusetts would be likely to pay less than close attention to a communication from a Massachusetts voter. Berney hit upon the idea of writing an open letter to the Senate and to solicit approval of it by mailing copies to selected law professors in every jurisdiction possible. Linda Greene, Senator Metzenbaum's staff member for the Senate Judiciary Committee, agreed to collect the "signatures" and to pass them on to the senators.

In the letter, Professor Berney enunciated his doubts relative to Rehnquist's appointment as Chief Justice. He took care to keep it reasonably even-handed, stressing that Rehnquist had technically not broken the law and only asking the senators to weigh testimony that was in the public record.

Professors Berney and Zygmund Plater, with the help of colleagues, put together a list of approximately one hundred personal contacts at law schools across the nation

and effect the mailing on September 4, mere days before final debate was to commence. Considering the nature of this "last ditch effort," the response was good. The Senate Judiciary Committee received upwards of 160 "signatures" from across the country in addition to fourteen from Boston College Law School, and the text of the letter was read into the Congressional Record, thereby receiving a good deal of public attention. Ultimately, Rehnquist's nomination was confirmed 65-33; according to *Insight* magazine, "the highest number of votes ever cast against a successful Supreme Court nominee."

The effect of Professor Berney's letter did not end with Rehnquist's confirmation, however. The letter brought widespread attention to certain materials prepared by Professor Askin of Rutgers Law School concerning Rehnquist's conduct in *Laird v. Tatum*. Tatum, the original plaintiff, is now attempting to have the case re-opened. Also, due largely to the efforts of Professor Plater, Rehnquist's brother-in-law has initiated a bar grievance in Arizona questioning Rehnquist's activities with respect to the trust fund. Professor Berney says he believes that this investigation could possibly result in an official censure, although he is skeptical that the grievance will ever see the light of day.

Faculty Endorse Judicial Clerkships

By Christopher Devlin

They are positions most sought after by top law students across the country. They are among the most enviable of additions to a legal resume. They provide first-hand experience with the inner workings of the legal system and close contact with its most learned practitioners. They are judicial clerkships and they remain a mysteriously unpopular job option among Boston College Law School graduates. "Historically, clerkships just haven't been a big thing at B.C.," admits Director of Placement Jean French. "We'd like to see more interest in them."

Last year roughly 14 percent of B.C. graduates opted for judicial clerkships of one kind or another. This was the highest number of graduates to do so yet.

The reluctance of law students here to vie for clerkships puzzles faculty whose own schools were teeming with would-be clerks. Speaking of his peers in law school, Professor James S. Rogers, himself a one-time clerk on the U.S. Court of Appeals' First Circuit, states: "It would never occur to them not to clerk just as it wouldn't occur to them not to consider interviewing for major law firms."

Indeed, in the face of the typically glowing assessments given clerkships by faculty and alumni (most of the latter report to Ms. French that their term as clerks was "the best year they'd ever spent"), it becomes somewhat difficult to understand the general dearth of interest in the posts among students here. Associate Dean Brian P. Lutch speculates that this apathy may be due to the

fact that students tend to view a clerkship as merely "a vehicle to get them into a large firm." Once they find they can win a position in such a firm without the additional year of judicial experience, Lutch believes, they tend to jump at the higher paying job. The wide difference between beginning salaries in the public and private sectors undoubtedly plays a role in the decision of students to shun clerkships, especially when upon graduation they are obliged to contend with the repayment of sizable student loans.

Still, even those whose financial obligations are considerable would do well to at least entertain the possibility of applying for a clerkship. The drawbacks are few and the rewards, according to those who have taken the positions themselves, are extensive.

Professor Judith A. McMorrow, a former clerk to both a Federal Circuit and U.S. Supreme Court judge, touts the job as a valuable opportunity to "work with a judge, see litigators in action, and spend a year honing your writing skills." Professor Rogers is even more effusive in his praise of judicial clerkships. "It's an incredibly valuable experience," he says, "an unusual opportunity to work very closely with a master of the profession you are entering." The educational dividends he suggests don't stop with the enhancement of writing and research skills but extend to allowing one a greater, more comprehensive grasp of the mechanics of the legal system and the habits of mind needed to excel in it. "After working one to one on a daily basis with a judge," he claims, "you begin to

get a sense of judgment. In law school you learn to argue the case from every angle, but a clerkship teaches you to assess different arguments, not just to make them."

Needless to say, these positions aren't there for the asking. The application process begins early, the wait for word of acceptance is occasionally long, and the competi-

tion, especially for Federal clerkships, is fierce. Students who are interested in becoming judicial clerks on any level should begin to investigate promising openings, collect information on particular judges and be prepared to start churning out applications between the middle and end of their second year in law school.

Commencement '87

By Bonnie C. Rowe

Take heart all 3L's—the light is there at the end of the tunnel! The gears are turning toward Commencement in May 1987.

This year the LSA is making plans differently from past years. Previously only 3L's on the LSA government could be on the Commencement committee, although they solicited suggestions from the student body. This year the LSA government is involved in the activities, but the committee was drawn from the student body as well as the LSA board.

A few weeks ago the Commencement committee asked 3L's to suggest possible Commencement speakers. A list of these suggested speakers was given to each 3L for voting. 3L's were asked to rank candidates in preference from 1 to 5 and return their ballots by September 26th. The results are as follows in order of preference:

1. Warren Burger
2. Mario Cuomo
3. Sandra Day O'Connor
4. Antonin Scalia
5. Lee Iacocca

By the time of this printing, an invitation will have issued from the LSA to Warren Burger. In case of his declination, an invitation will be issued to Mario Cuomo, etc.

A notable number of students nominated Corazon Aquino and Bill Cosby in the "other" slot on their ballots. Some of the more interesting (or annoying, depending on your viewpoint) write-ins were members of the Boston Red Sox, Larry (Bud) Melman of "Letterman" fame, and Bono of the rock group U-2.

Most Commencement preparations will be completed by early 1987. The LSA in past years has arranged a semi-formal affair for the near attorneys. According to LSA president Rich Stacey, last year's elaborate affair at the Copley Plaza Hotel required \$8,000.00 from the LSA and a \$20.00 per attendee charge. Two years ago, the semi-formal took place out-of-doors at Crane's Beach, just north of Revere, MA. Each was a great success.

Stay tuned—more details to come in a future edition of the Alledger.



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Movie Review

Sean Connery is All "Roses" as a Monk

By LRM

The Name of the Rose is a taut, exciting murder mystery set in an eerie fourteenth-century abbey. The opening credits announce the film to be "a palimpsest of the novel by Umberto Eco;" one would expect a low-brow plot summary of the highly erudite first novel by the Italian professor and man of letters. The surprising thing about the film is that it manages to incorporate a judicious amount of the novel's learned treatment of the contemporary debates about the role of poverty and humor should play in the Church. For fourteenth-century monks, these were questions of vast importance; in the novel and film, they form the motive for a series of murders.

William of Baskerville (Sean Connery) travels to the abbey to take part in a debate setting his Franciscan doctrine of poverty against papal wealth. When he arrives at the abbey, the abbot asks him to use his renowned intellect to investigate the violent death of a young monk. Connery plays his not-too-subtly disguised Sherlock Holmes figure quite well—he portrays an intellectual and celibate James Bond. More deaths ensue, the plot thickens, and the Inquisition, not especially predisposed towards William's preference for the human intellect over Church sophistry, arrives to sort things out before the puzzle is solved.

The mystery itself is easily one of the better ones on film. The countless red herrings, false turns, and seemingly impossible series of events turn out to have a logical answer involving such goodies as secret writing, a labyrinth, and a forbidden book. The damp stone

abbey makes a creepy setting inhabited by the largest collection of ill-formed humanity you are ever likely to see. The grotesque faces contain the inbred decay of centuries of stagnant Church doctrine—the film's ultimate villain—and every monk bears part of the guilt. The acting and direction are uniformly excellent, bringing to life an existence so alien to

modern eyes that we are almost in the realm of the horror film.

In one respect, at last, the film even outdoes the novel. Eco's work is an intricate mystery enshrouded in learning; he seems to have written it merely for an interesting mental diversion. Eco, the quintessential humanist, more or less playfully condemns the ancient Church for its stultifying choke-hold on the

human spirit. At the end of the film, however, we see the bitter result in powerful ways that were obscured in the original: the destruction of the world's only copy of a legendary lost text and the renouncement of earthy love for life with the Church by William's young novice, Adso (Christian Slater).

★ ★ ★ ½

Trivial Pursuit — B.C. Law Style

By Tom Shi

It's time for Trivial Pursuit: 1L Professors! How much do you really know about our professors? Well, wonder no more. The *Allegger* has conducted an in-depth survey of some important facts of the first-year faculty, first section. To make it fun, you, the reader, have to match the answer to the correct professor. Good Luck!

P.S. 1(a) and 2(a) are not necessarily the same professors.

FAVORITE:

1. Ice cream flavor?
 - a. Maple Walnut.
 - b. Chocolate.
 - c. Mocha Chip.
 - d. Vanilla & Hot Fudge.
 - e. Maple Walnut.
2. Book?
 - a. Any P.G. Wodehouse novel.
 - b. *My Name is Asher Lev*, Chaim Potok.
 - c. *Villette*, Charlotte Bronte.
 - d. *Sophie's Choice*, William Styron.
 - e. *Emma*, Jane Austen.
3. Leisure activity?
 - a. Listening to music outdoors.
 - b. Making pottery.
 - c. Tennis/reading.
 - d. Family.

e. Reading.

4. Type of food to eat?
 - a. Italian.
 - b. "Are you kidding? Any."
 - c. French or Mexican.
 - d. Thai.
 - e. ***

5. Type of food to make?
 - a. ***
 - b. Steak au Poivre (with cognac and mustard sauce).
 - c. Meat and fish dishes.
 - d. "Don't like to cook."
 - e. Grilled fish kabobs.

6. Color?
 - a. Blue.
 - b. Blue.
 - c. "Brown. No one would believe me if I said anything else."
 - d. Red.
 - e. ***

7. Television show?
 - a. "Cheers."
 - b. "St. Elsewhere."
 - c. NBA and College basketball.
 - d. "Cheers."
 - e. "Miami Vice."

8. Musical group?
 - a. Dionne Warwick, Madonna.
 - b. Tom Paxton.
 - c. Dave Brubeck Trio/Quartet.

d. Charlie Parker Quintet.

e. Genesis.

9. Favorite Beatle?
 - a. "Anyone but Ringo."
 - b. John.
 - c. Bailey.
 - d. None.
 - e. Paul.

10. President?
 - a. Lincoln.
 - b. None.
 - c. None.
 - d. Jefferson.
 - e. "Anyone else but Reagan."

11. Breakfast cereal?
 - a. ***
 - b. Nutri-Grain.
 - c. Cheerios with milk.
 - d. None.
 - e. "Ugh. None."

12. Sport to play?
 - a. ***
 - b. Aerobics.
 - c. Tennis, basketball.
 - d. Jogging.
 - e. Golf.

13. Sport to watch?
 - a. Baseball.
 - b. ***

continued on page 7



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BCLS Golf Tourney: Trial by Clubbing

By Jaime Fuster

It has been said that to be a good lawyer you must master the basic principles of law and equity that we all learn here at law school, but to be a great lawyer you have to be a good golfer. With this in mind, twenty-nine courageous golfers took to the links on Friday, Sept. 26 for the first annual Boston College Law School Golf Open at George Wright Memorial Golf Course.

Although rain threatened early in the morning, the skies cleared as the first foursome teed off. The tournament was two person best ball contest with both team members playing each hole and the best score representing the team score for that hole.

The field was very strong and each of the fifteen teams had a legitimate shot at victory. Tournament Commissioner Bernie Pellegrino stated, "We assembled the best the Law School had to offer:



Love those legs — Kevin Curtin and Mike display their golfing attire. (Photo by Bernie Pellegrino)

after that, the rest was history."

After the first nine holes the team of Mike Sherry and Roy Gardner held a three stroke lead over Tim Courville and Tom Barton, and were four ahead of Mike Martinez and Tom LaFrance. However, on the back side, Sherry tired from having to carry Gardner up and down the course's rolling hills. Sensing the letdown, Courville and Barton shot a blistering 38 on the second nine to bring home the title with a total of 77. Martinez and LaFrance took second with a score of 80. Sherry and Gardner's 46 on the back dropped them to third place with an 82.

The good sport award went to 1L Rosemary Schruath. Originally scheduled to play with four other 1L's, Rosemary was the only one of the foursome around at tee-off time. At the last minute she was paired with 3L Jeff Renton, who also played on a team with 3L John Roelke. Together, Schruath and Renton shot a respectable 90.

The tournament also featured a longest drive and two closest to the pin contests. Kevin Curtin while using his brother's clubs, for the first time, clubbed his drive on the 6th hole about 300 yards to take the longest drive competition. Co-chairman Tim Courville put his first shot on 17 within twelve feet of the hole to win one of the closest to the pin awards. The closest to the pin on the 4th hole produced a surprise of the tournament. Jay Creed, better known for his achievements on the Law School's social circuit, put a tremendous seven iron within six feet to take home the accuracy award.

Creed was paired with Commis-

sioner Pellegrino for the day, and oddsmakers had given them an outside chance at the title. However, Pellegrino seemed pre-occupied with many of the tournament's preparations and his irons were usually erratic on the backside. In addition, Creed was bothered by a tender hamstring muscle injured the day before the tournament in a track and field accident and his normally powerful 300-yard drives straight down the middle were reduced to 100-yard looping slices.

In all, the First Annual Law School Tournament was a tremendous success. In fact, plans are already in the works for a new and expanded tournament in the spring. The tournament committee hopes to double the field, so be ready to break out your clubs in March and sharpen your skills because it won't be long before the Law School Loopers take to the links again.

Trivia

(continued from page 6)

- c. Basketball, tennis.
- d. ***
- e. Tennis.

The professors:

- R. Berry: 1c, 2a, 3c, 4c, 5b, 6c, 7c, 8c, 9c, 10d, 11e, 12c, 13c.
- M. Brodin: 1b, 2d, 3a, 4e, 5a, 6e, 7b, 8d, 9a, 10e, 11a, 12d, 13b.
- J. Gionfriddo: 1e, 2c, 3d, 4a, 5d, 6a, 7e, 8a, 9d, 10c, 11c, 12a, 13d.
- R. Huber: 1a, 2e, 3e, 4b, 5c, 6d, 7d, 8e, 9e, 10a, 11b, 12e, 13e.
- J. McMorow: 1d, 2b, 3b, 4d, 5e, 6b, 7a, 8b, 9b, 10b, 11d, 12b, 13a.

Elgin

(continued from page 2)

however, Oliver Wendell Douglas (aka Eddie Albert) would probably want to be dean. I'm sure we could find room for Mr. Hainey and Mr. Drucker in the administration, and Arnold Ziffel would be a natural to run financial aid. Think about it. If you have any suggestions of your own, address them to me, Elgin, care of this paper (I'm syndicated, you know).

I don't mean to ramble on this week but one final suggestion has come to my attention. If we can't secede from the University, how about alleviating the parking problem with valet parking? The Stuart Circle would be perfect for it. We could drive right up to the front door and one of the deans or faculty members (or other persons with an assured spot in the faculty lot) could whisk our car away to a space somewhere behind the Quonset Hut. Not a bad idea, huh? I thought you'd like it.

Well, it's that time of the week again. That's right—the closing bad/good (depending on your viewpoint) joke. Ok, here it is; ready? How do you know when you've become too dependent on law school study aids? When your car breaks down and you find yourself searching for your owner's Emmanual!

BCLS Softball Standings

	W	L	T
1. In Re Kielbasa	4	0	
2. Ill Eagles	4	0	
3. Diamond Ringers	3	1	
4. Adjudicators	3	1	
5. Ferae naturae	3	1	
6. W.I.M.P.S.	3	1	
7. Ambulance Chasers III	1	3	
8. Bad News Barristers	1	3	
9. Tort Sleazers	1	3	
10. Legal Eagles	0	3	1
11. Batting Barristers	0	3	1
12. Rehnquist Rejects	0	4	

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